

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION**

**BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

**Case No. HERC/PRO – 39 of 2019**

DATE OF HEARING : 25.09.2019

DATE OF ORDER : 27.09.2019

**IN THE MATTER OF:**

Petition for removal of difficulties in implementation of *Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014* & amendment thereof and Regulation 3.2.1 of the *Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014* & amendment thereof.

**Petitioner**

Dakshin Haryana Bijli Vitran Nigam Limited  
Haryana Vidyut Prasaran Nigam Limited

**PRESENT**

On behalf of the Petitioner :

Smt. Rimali Batra, Advocate  
Shri B.K. Raghava, SE/NCR, HVPNL, Gurugram  
Shri Anil Yadav, SE, HVPNL, Gurugram  
Shri Navin Verma, SE (RA), DHBVN  
Shri R.P. Sharma, XEN/TS, HVPNL, Gurugram  
Shri Birender Singh, XEN/RAU, HVPNL, Gurugram  
Shri Sachin Yadav, XEN, DHBVN, Gurugram  
Shri Mohit, SDO, HVPNL  
Shri Vijay Upadhyay, AE (RAU), HVPNL

On behalf of M/s DLF Ltd. :

Shri Ajay Gupta, Director  
Shri Rohit Sharma, Sr. V.P.

**QUORUM**

**Shri D.S. Dhesi, Chairman**  
**Shri Pravindra Singh, Member**  
**Shri Naresh Sardana, Member**

**ORDER**

1) **Brief Background of the Case**

1.1) The Petitioners have submitted that:

- a) M/s DLF Developers had set up their own Generating Station of around 100 MW in their basement of one building for which they arranged gas from GAIL. As such, since 2004 or so, M/s DLF has been supplying electricity to their 15 buildings in cyber city from their own Generating Station having their own internal system of distribution & bill collection.
  - b) DHBVN raised an objection to such a generation and distribution of power by M/s DLF Ltd. within their licenced area. Accordingly, the Commission vide its Order dated 11/08/2011 directed DLF to pay Cross Subsidy Surcharge (CSS) to DHBVN for every unit generated and consumed in respective buildings.
  - c) Aggrieved by the Commission's Order, M/s DLF appealed to Hon'ble Appellate Tribunal of Electricity (APTEL) but they dismissed the appeal and held that to safe guard the interest of individual and consumers the Commission to regularised the supply to such consumers by 31/03/2013.
  - d) In compliance of the judgement of Hon'ble APTEL, DHBVN claimed CSS which has been accumulated to around Rs. 80 to 90 crores. However, aggrieved by Hon'ble APTEL's judgement DLF filed an Appeal before Hon'ble Supreme Court of India and vide order dated 23/08/2013 the Hon'ble Supreme Court of India granted status quo in the matter.
  - e) Now, DLF have submitted applications before DHBVN for release of 2 nos. Single Point electricity connections at 66 kV voltage level and have indicated inclination to close down their Generating Station as soon as they get power from DHBVN.
- 1.2) The Petitioners have filed the present Petition seeking approval to release 2 nos. Single Point electricity connections at 66 kV voltage level to DLF Cyber City Developers Ltd for giving supply to DLF Cyber City Project Phase-II & Phase-III at Sector 24 & 25A, Gurugram; and permit the Petitioners to recover cost and expenditure from DLF Cyber City Developers Ltd. as per *Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request, Power to Recover Expenditure incurred in Providing Supply and Power to Require Security) Regulations, 2016.*

1.3) The submissions in the Petition are briefed as follows:

- a) Directorate of Town and Country Planning, Haryana has approved a layout plan of M/s DLF Ltd. for development of a commercial area in the name of Cyber City in an area measuring 116.52 acres of land falling under Sectors 24, 25 & 25A of Gurugram. Subsequently, M/s DLF got approved from DTCP the individual site plans for 15 different high-rise buildings for commercial use.
- b) M/s DLF Ltd in the name of DLF Cyber City Developers Ltd. applied for approval of electrification plan and ultimate load for Cyber City Project Phase-II & Phase-III, Sector 24 & 25A, Gurugram. M/s DLF Ltd. in the name of DLF Cyber City Ltd. also applied vide application dated 02.08.2017 for sanction of load of 35000 kW for Cyber City Phase II project at Gurugram at single point connection under HT NDS category at 66 kV level. M/s DLF Ltd. in the name of DLF Cyber City Ltd. also applied vide application dated 02.08.2017 for sanction of load of 45000 kW for Cyber City Phase III project at Gurugram at single point connection under HT NDS category at 66 kV level. As per prevalent load norms, the electrification scheme of M/s DLF Cyber City Developers Ltd in Sector 24 & 25A, Gurugram has combined ultimate load of 113.17 MW / 125.75 MVA (Phase-II: 56196 KW / 62440 KVA & Phase-III: 56976 KW / 63307 KVA).
- c) Approval of electrification plan along with sanction of partial load of 35000 KW for Phase-II & 45000 KW for Phase-III respectively & ultimate load of 113.17 MW with contract demand of 125.75 MVA for DLF Cyber City Project in Sector- 24 & 25A, Gurugram was issued by the Petitioners. The specific conditions mentioned in these memos are as under:
  - i) M/s DLF Cyber City Developers Ltd. shall surrender and handover requisite land as per norms for creation of 220 KV Sub-Station from its own assets, i.e. in DLF Q-Block or elsewhere in its vicinity, after ensuring viability in respect of same from land technical feasibility committee of petitioner no. 2.
  - ii) M/s DLF will pay share cost of 220 KV sub-station and feeding line for obtaining supply at 66 KV level as per provisions contained in the regulations/instructions of DHBVN/HVPN.

- iii) The charges for releasing the connections shall be payable by M/s DLF Cyber City Developers Ltd. related to their project, DLF Cyber City, Sector 24 & 25A, Gurugram as per *Haryana Electricity Regulatory Commission (Duty to Supply on Request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016.*
- iv) M/s DLF Cyber City Developers Ltd shall submit an undertaking with the Petitioners to the effect that any cost chargeable from them (if worked out later) shall be paid by them within 15 (fifteen) day from the date of issue of such demand by the petitioners.
- v) The ultimate load 56196 KW / 62440 KVA for DLF Phase-II and 56976 KW / 63307 KVA for DLF Phase-III will be fed through proposed 66 KV Independent feeders with single circuit lines through underground cable from 220 KV substation at sector-20, Gurugram and at Sector-52A, Gurugram respectively along with connectivity of both 66 KV substations of M/s DLF through 66 KV S/C underground cable.
- vi) DLF Cyber City Developers Ltd. shall create GIS 66/11 KV substation with installed capacity of 3 power transformers of rating 20/25 MVA for Phase-II and 31.5/25 MVA for Phase-III. The developer shall install 39 No. X 2 MVA 11/0.4 KV dry type transformers for Phase-II and 40 No. X 2 MVA 11/0.4 KV dry type transformers for Phase-III. An NOC in this regard may be obtained from Chief Electrical Inspector, besides ensuring compliance of all safety measures by SE/OP - II, Gurugram.
- vii) DLF Cyber City Developers Ltd. intends to take 35000 KW load for Phase-II and 45000 KW for Phase-III in first instance out of respective ultimate load demand. M/s DLF shall create 66/11 KV substation with 66 KV S/C connectivity from 220 KV substation at Sector 20 and Sector 52 of Gurugram respectively with interconnectivity provision to other GIS substation, i.e., in between 220 KV substation at Sector 20 and Sector 52 respectively of Cyber City through 66 kV S/C underground cable. The size of the cable shall be XLPE 66 KV 1200 Sq. mm as per HVPNL specification.
- viii) DLF Cyber City Developers Ltd. will enter into tripartite agreement with the petitioners for construction of substation/bays/feeders including handling of operation and maintenance by them post commissioning and deposit all applicable supervision/service connection charges/ deposit cost charges before commencement of work.

- ix) DLF Cyber City Developers Ltd. will carry out the work of required metering equipment along with CTs of matching capacity as per sanctioned load/contract demand at sending end and receiving ends (optional) of respective 220/66 KV substations in line with the specifications and design requirements of the Petitioners.
- x) The consumer shall be responsible for necessary approvals pre & post execution of work from respective authorities of petitioner No. 1, petitioner no. 2, civic bodies, other agencies and office of Chief Electrical Inspector, Haryana.
- xi) DLF Cyber City Developers Ltd will deposit the cost of new 220 KV substation (GIS) along with feeding lines to be constructed by the Petitioner No.2 in their offered piece of land and any other cost as per approval of Govt. of Haryana on account of non-creation of 220 KV substation by M/s DLF. The cost to be deposited by DLF Cyber City Developers Ltd. in respect of above infrastructure shall be worked out after considering the aspect of redundancy & reliability based on its ultimate load requirement. The concerned SE/TS shall ensure the deposit of same prior to release of said connection.
- xii) Existing load of DLF Cyber City Developers Ltd catered from any 220 KV or 66 KV sub-station on 11 KV level shall be shifted to 66 KV substation to be constructed by DLF Cyber City Developers Ltd at his own cost and the material thus become spared shall remain the property of petitioners.
- xiii) DLF Cyber City Developers Ltd shall submit an undertaking that in case, M/s DLF avails load beyond 80 MVA then M/s DLF shall lay 2<sup>nd</sup> 66 KV S/C connectivity to one of the substations being constructed by them from any of 220 KV Substation of the Petitioner No.2 after accessing the feasibility prevailing at that course of time as per sanctioned electrification scheme of petitioner no. 1 with further assurance for providing additional connectivity, if required in future, from the aspect redundancy and reliability under single point supply regulations.
- xiv) DLF Cyber City Developers Ltd. shall ensure fulfilment of technical specifications of the Petitioner No.2 in respect of material and approval of all requisite drawings from Design wing of the Petitioner No.2 before execution of work.

- xv) DLF Cyber City Developers Ltd will create 66 KV infrastructure as per the approvals and in case, any deficiency in the infrastructure is observed at the time of commissioning, the firm shall furnish BG of balance infrastructure to be created and concerned SE TS of the Petitioner No.2 shall ensure the same before release of connection.
- d) In accordance to the *Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014* and amendment thereof, supply to a contracted load exceeding 75000 KVA and upto 320000 KVA shall be given at 220 KV voltage level.
- e) Since M/s DLF Cyber City Developers Ltd is having ultimate load of 113.17 MW with contract demand of 125.75 MVA for its Phase II and Phase III projects at Sector 24 & 25A, Gurugram, it is mandated for DHBVN to release the connection at 220 KV voltage level. However, M/s DLF Cyber City Developers Ltd. has requested DHBVN to allow relaxation to the firm by allowing them to construct 2 Nos 66 KV substations instead of 1 no. 220 KV substation stating that they have clubbed loads of the buildings together in a manner that two 66 KV substations would be able to handle their entire cyber city project Phase-II & Phase-III in Sector 24 and 25A Gurugram.
- f) The said proposal and feeding arrangement to Cyber City was placed before the Board of Directors (BOD) of DHBVN in the meeting held on 25.01.2016 for consideration and approval. The BOD discussed the matter and the decision recorded against the agenda item is reproduced as under:

*“Considering the fact that Haryana is experiencing the problem of surplus power leading to closure / backing down of its own generating plants and surrender of power under various long term agreements as well under UI & further to comply with the directions of the Hon’ble APTEL; DHBVN may allow release of single point connection to M/s DLF at 66 KV level from 220 KV substation at Sector-20, Gurgaon of HVPN in relaxation of commercial instructions subject to following:*

- a) *M/s DLF will erect/lay 66 KV underground line at their own cost from 220 KV sub-station at Sector-20, Gurgaon for receiving supply at their already constructed 66 KV substation at Q-Block, DLF Gurgaon*
- b) *M/s DLF will surrender and handover entire land measuring 3.75 acres at its 66 KV Q-Block sub-station to HVPN for erecting 220 KV Sub-station.*
- c) *M/s DLF will pay share cost of 220 KV sub-station and feeding line for obtaining supply at 66 KV level as per provisions contained in the regulations/instructions of DHBVN/HVPN.*
- d) *M/s DLF will erect/lay 66 KV underground line at its own cost for obtaining supply at 66 KV from 220 KV sub-station Q-Block, Gurgaon.*

*Though M/s DLF will pay share cost of 220 KV sub-station and line for obtaining supply on 66 KV and provide the land for 220 KV sub-station in Q-Block, but as the connection is being given at 66 KV instead of 220 KV in relaxation of commercial instructions, approval of State Govt. may be obtained.”*

- g) *The proposal along with the approval of BOD of DHBVN was submitted to the Government of Haryana for consideration and approval as under:*

*“The above arrangement, as deliberated by the Board of Directors, safeguards all the financial interests of the Nigam by way of proposed deposition of share cost of 220/66 KV substation to be constructed by HVPN at 3.75 acre land already handed over by M/s DLF at its 66 KV substation Q block and deposition of share cost of 220 KV line from 220 substation Sector 20 to the proposed 220 KV substation Q-Block in DLF land etc.*

*M/S DLF may be provided 2 No. 66 kV electricity connections with ultimate load 156 MVA (approx), Gurgaon instead of 1 no. connection at 220 kV level in relaxation of Commercial instructions of DHBVN / HERC Electricity Supply Code Regulations 2014 which otherwise warrants release of single connection on 220 kV level for load more than 75 MVA subject to the conditions stated at Sr. (a) to (d) in the aforesaid decision of BODs please.*

*The case is submitted for consideration approval of Govt. Of Haryana”*

**The above proposal was approved by the State Government.**

- h) As per approval granted by the State Government in case of DLF Cyber City Developers Ltd to grant 2 single point connections at 66 KV level, M/s DLF Cyber City Developers Ltd will pay the share cost of GIS based 220 kV substation, its feeding substation and the feeding line and the land for 220 kV substation in accordance with Regulation 4.6 of the *Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations 2016*.
- i) As per Regulation 3.2.2 of the *Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014* and amendment thereof, DHBVN is empowered to provide supply at voltage other than those specified in Regulation 3.2.1 of the same Regulation dependent on technical conditions of the transmission/distribution system subject to approval of the Hon'ble Commission.
- 1.4) Accordingly, the Petitioners have prayed as follows:
- “(a) Allow this petition and permit the Petitioners to release 2 nos. single point electricity connections at 66 KV voltage level to DLF Cyber City Developers Ltd for giving supply to DLF Cyber City Project Phase-II & Phase-III at Sector 24 & 25A, Gurugram; and*
- (b) Permit the Petitioners to recover cost and expenditure for giving the aforesaid supply from DLF Cyber City Developers Ltd as per Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request, Power to Recover Expenditure incurred in Providing Supply and Power to Require Security) Regulations, 2016.*
- (d) Condone any inadvertent omissions/errors/shortcomings and permit petitioners to add/change/modify/alter this filing with revised figures as may required at a future date.*
- (e) Pass such Orders, as the Hon'ble Commission may deem fit and appropriate keeping in view the facts and circumstances of the case submitted by the Petitioners.”*



2) **Proceedings**

2.1) The first hearing in the matter was held on 27-08-2019. The Ld. Counsel Ms. Rimali Batra, appeared on behalf of the Petitioners and briefed her case to the Commission. The Ld. Counsel submitted that the present Petition has been filed for seeking approval to release 2 nos. Single Point electricity connections at 66 kV voltage level to DLF Cyber City Developers Ltd. for giving supply to DLF Cyber City Project Phase-II & Phase-III at Sector 24 & 25A, Gurugram; and to permit the Petitioners to recover cost and expenditure from DLF Cyber City Developers Ltd. as per *Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request, Power to Recover Expenditure incurred in Providing Supply and Power to Require Security) Regulations, 2016*.

2.2) The Ld. Counsel for the Petitioner submitted an Additional Affidavit on behalf of the Petitioner No. 1 Para No. 2 of which states as follows:

*“Further HVPNL vide above said letter (Annexure: A) has intimated that status of land measuring 3.75 acre at 66 KV Sub Station DLF Q-Block, which is said to be handed over to HVPNL for creation of 220 KV Sub Station. The relevant contents of the same are reproduced hereunder: -*

*“HVPNL has only 2.4 acres land in Q-Block out of which one 66 KV Sub-Station name Q-Block is functional in approx. 1.6 acres of land. About 0.7 acres land which is isolated from 2.4 acres land piece is in possession with HUDA and yet to be handed over to HVPNL and in the balanced land i.e. 0.65 acres, sectoral road has been constructed.”*

2.3) The representatives of M/s DLF submitted that this matter is pending since long time before the Petitioners due to which there is delay in release of connection and thus causing loss to them. They further made a request that the quantum of share cost for the original approved scheme by the Govt. of Haryana be provided to them on which the Petitioner agreed to make the written submission before the Commission after working out the details.

2.4) After hearing the parties and considering the arguments, the Commission observed that following 3 key issues have emerged in the matter:-

- a) Can 220 kV GIS Sub Station be created on land already offered in Q-block of DLF where part of the land is utilised for 66 kV Sub Station?

- b) What is the technical feasibility of feeding 220 kV Sub Station on this side from 400 kV Sub Station, Kadarapur?
- c) Whether entire 116 acre of Cyber City is a part of Transit Oriented Development (TOD) zone?
- 2.5) The Commission in its Interim Order dated 27/08/2019 directed M/s DLF Ltd. to get the study regarding feasibility of setting up of 220 kV GIS Sub Station on the balance land in Q-Block and feeding the same from the nearest HVPNL Sub Station, through a reputed national agency having expertise in the said field. Further, DHBVNL/HVPNL were directed to submit their comments whether entire 116 acre of Cyber City is a part of TOD zone as per Notification dated 05/09/2014 of Town and Country Planning Department wherein it is mentioned that Electric Sub Station above 132 kV will not be permissible in TOD Zone in future.
- 2.6) The next hearing in the matter was held on 25/09/2019. The representatives of all parties were present during the hearing. The Ld. Counsel appearing on behalf of the Petitioners and the representatives of M/S DLF made their submissions in reply to the observations/directions of the Commission indicated in the Interim Order dated 27/08/2019.

3) **Commission's Analysis and Order**

- 3.1) The Commission after carefully examining the contents of Petition, arguments made by the representatives of Petitioners and M/s DLF during the various hearings in the matter, observes as under:
- 3.2) This Petition has been filed by the Petitioners as per the proposal approved by the Board of Directors of DHBVNL in its 166<sup>th</sup> meeting, held on 25/01/2016. Thereafter, the matter was also considered and approved at the level of the State Government.
- 3.3) The Petitioners have made following prayers before the Commission:-

*“(a) Allow this petition and permit the Petitioners to release 2 nos. single point electricity connections at 66 KV voltage level to DLF Cyber City Developers Ltd*

*for giving supply to DLF Cyber City Project Phase-II & Phase-III at Sector 24 & 25A, Gurugram; and*

*(b) Permit the Petitioners to recover cost and expenditure for giving the aforesaid supply from DLF Cyber City Developers Ltd as per Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request, Power to Recover Expenditure incurred in Providing Supply and Power to Require Security) Regulations, 2016.”*

3.4) In compliance of directions given vide the Interim Order dated 27/08/2019, Petitioner No.1 has filed an affidavit providing information and clarification on various issues. M/s DLF Limited have also got the study conducted regarding feasibility of setting up of 220 kV GIS Sub-station on the balance land in Q Block and feeding the same from the nearest HVPNL Sub-station. The studies have been conducted by Blue Star Limited, KEI Industries Limited and SN Consultants. The affidavit submitted by the Petitioner and documents submitted by M/s DLF Limited have been taken on record. The Commission observes from the documents submitted by M/s DLF Limited that there is feasibility of setting up 220 kV GIS in Q-block, Gurugram as and when need arises.

3.5) In response to the prayer made by the Petitioner for permitting recovery of cost and expenditure for giving the supply as per *Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request, Power to Recover Expenditure incurred in Providing Supply and Power to Require Security) Regulations, 2016*, M/s DLF Limited submitted during the hearing held on 25/09/2019, in line with proposal approved by BOD in the meeting on 25/01/2016, that they will:

- a) Erect/lay 66kV underground line at their own cost from 220kV S/S, Sector 20, Gurgaon for receiving supply at their already constructed 66kV Q-block, S/S, Gurgaon.
- b) Surrender and handover entire land measuring 3.75 acres at its 66kV Q-block, S/S to HVPNL for erecting 220kV S/S.
- c) Pay share cost of 220kV S/S and feeding line for obtaining supply at 66kV level as per relevant Regulations.
- d) Erect/lay 66kV underground line at their own cost from 220kV S/S, Q-block, Gurgaon.

3.6) After having considered the detailed submissions of both the parties, the issue for consideration is to provide relaxation as per Regulation 3.2.2 of the *Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 1<sup>st</sup> Amendment, 2014*. The prayer made by Petitioners is allowed and the Petitioner is permitted to release two electricity connections at 66 kV Voltage level to DLF Cyber City Developers Limited for giving supply to DLF Cyber City Project Phase-II and Phase-III at Sector 24 and 25-A Gurugram. Insofar as the prayer for recovery of cost and expenditure for giving the aforesaid supply is concerned, the Commission is of the view that the same may be done for the scheme indicated in para 3.5 at points a-c of this Order as per approval of Board of Directors of DHBVN based on the provisions of *Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request, Power to Recover Expenditure incurred in Providing Supply and Power to Require Security) Regulations, 2016*.

3.7) The Petition is disposed of accordingly.

This Order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 27/09/2019.

<b>Date: 27.09.2019</b>	<b>(Naresh Sardana)</b>	<b>(Pravindra Singh)</b>	<b>(D.S. Dhesi)</b>
<b>Place: Panchkula</b>	<b>Member</b>	<b>Member</b>	<b>Chairman</b>